

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
RAQUEL LAZO
3 Assistant Federal Public Defender
Nevada State Bar No. 8540
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Raquel_Lazo@fd.org

7 Attorney for Kent Swaine

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 KENT SWAINE,

15 Defendant.

Case No. 2:14-CR-385-RFB-NJK

UNOPPOSED MOTION TO MODIFY
ORDER AS IT PERTAINS TO
DEFENDANT'S RELEASE DATE &
REQUEST TO CONTINUE
REVOCATION HEARING

16
17 Comes now the defendant, Kent Swaine, by and through his counsel of record,
18 Raquel Lazo, Assistant Federal Public Defender, and hereby moves this court for an unopposed
19 motion to modify order as it pertains to defendant's release date and request to continue
20 revocation hearing. These requests are based on the Points and Authorities attached hereto.

21 DATED this 17th day of June, 2016.

22 RENE L. VALLADARES
23 Federal Public Defender

24 By: /s/ Raquel Lazo

25 RAQUEL LAZO
Assistant Federal Public Defender
26 Attorney for Kent Swaine

POINTS AND AUTHORITIES

1
2 1. On June 3, 2016, this Court ordered that Mr. Swaine be detained until June 30,
3 2015, at which point in time Mr. Swaine would be released to the custody of the Probation
4 Department and be delivered directly to Harris Springs Ranch ("HSR"). Minutes (#46).

5 2. Since the hearing, defense counsel and Mr. Swaine's Probation Officer, Sunny
6 Cascio, have been in constant communication with each other and with Westcare personnel
7 regarding Mr. Swaine's transfer to HSR. Mr. Swaine has paid the \$3000 deposit with Westcare
8 in order to secure a bed at HSR. A bed will be available next week.

9 3. For logistical reasons, and in part due to Mr. Swaine's medical condition, the
10 parties are requesting that Mr. Swaine be released one week early on June 23, 2016. Upon his
11 release from custody, Ms. Cascio will transport Mr. Swaine to the local Westcare facility for
12 detoxication and medical clearance. Once Mr. Swaine is cleared, he will be released directly
13 from the detoxication facility to HSR by either Ms. Cascio or a HSR staff member. The parties
14 anticipate that Mr. Swaine will arrive at HSR on June 24, 2016.

15 4. Neither government counsel nor Ms. Cascio oppose this modification request.

16 5. The parties' further request that Mr. Swaine's revocation hearing currently
17 scheduled for July 5, 2016 at 2:30 p.m. be vacated and rescheduled not earlier than 60 days.
18 Mr. Swaine will be in treatment at HSR on the currently scheduled date.

19 DATED this 17th day of June, 2016.

20
21 Respectfully Submitted,
22 RENE L. VALLADARES
Federal Public Defender

23 By: /s/ Raquel Lazo

24 RAQUEL LAZO
25 Assistant Federal Public Defender
26 Attorney for Kent Swaine

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 KENT SWAINE,

7 Defendant.

Case No. 2:14-CR-385-RFB-NJK

ORDER

9
10 IT IS ORDERED that Mr. Swaine be released into the custody of the Probation
11 Department on June 23, 2015.

12 IT IS FURTHER ORDERED that the revocation hearing currently scheduled on
13 July 5, 2016 at 2:30 PM, be vacated and continued to September 7, 2016 at 1:00 PM.

14
15 

16 _____
17 RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that he is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on June 17, 2016, he served an electronic copy of the above and foregoing **UNOPPOSED MOTION TO MODIFY ORDER AS IT PERTAINS TO DEFENDANT'S RELEASE DATE & REQUEST TO CONTINUE REVOCATION HEARING** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
CRANE M. POMERANTZ
Assistant United States Attorney
501 Las Vegas Blvd. South
Suite 1100
Las Vegas, NV 89101

/s/ Brandon Thomas
Employee of the Federal Public Defender